

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 17773 of 2005(N)

OS.232/2001 of PRL.M.C., KOCHI

PETITIONER:

**MRS. SUBASHINI, AGED 58 YEARS,
W/O. SHANMUGAN RESIDING AT ANAMOOTTIL HOUSE,
EDAKOCHI MURI, EDAKOCHI VILLAGE.**

BY ADV. SRI.R.ARUN RAJ

RESPONDENTS:

**1. A. DINESH PAI, AGED 36 YEARS,
S/O. ACHUTHA PAI, RESIDING AT PARAMBITHARA,
THURAVOOR NORTH MURI, KUTHIATHODU VILLAGE.**

**2. THE STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SRI. SHYSON P.MANGUZHA
BY ADV. SRI.JOSE JOSEPH ARAYAKUNNEL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WPC.NO.17773/2005 N

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE BALANCE STATEMENT FILED BY THE
RESPONDENT/DECREE HOLDER.**

**EXT.P2; COPY OF THE SALE NOTICE UNDER ORDER 21 R 64 FILED
BY THE RESPONDENT/D.H.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

W.P.(C) No.17773 of 2005

Dated: 12th July, 2007

JUDGMENT

This Writ Petition is filed by the judgment-debtor who is aggrieved by the order of sale passed by the execution court in respect of her property for recovery of the decree debt due to the 1st respondent. There is no representation for the petitioner. But Mr. Jose Joseph Arayakunnel, counsel for the 1st respondent submits that the petitioner has complied with the condition imposed by this court on 14.6.2005 that a sum of Rs.10,000/- shall be paid towards the decree debt within one month from 14.6.2005.

2. Having gone through the Writ Petition and the grounds therein, I am of the view that there is no warrant for setting aside the impugned order in the visitorial jurisdiction of this court under Article 227 of the Constitution. The challenge against the impugned order will fail. Obviously the petitioner is only playing for time to pay off the decree debt. Under these circumstances without granting any relief to the petitioner, I direct that the stay order already granted in this case will continue for a further period of three months from today. It is open to the petitioner to pay off the entire decree debt in the meanwhile either in a lump or in instalments.

The Writ Petition will stand disposed of subject to the above directions.

srd

PIUS C.KURIAKOSE, JUDGE

After I delivered the judgment it is represented on behalf of the counsel for the petitioner that the matter has been settled. In all probability the above submission is correct. Counsel for the respondent-decree-holder does not seriously dispute the above submission. The directions in the earlier paragraph need not be complied with if the matter is settled.

srd

PIUS C.KURIAKOSE, JUDGE.